FARM TENURE AND FAMILY ADJUSTMENTS
to
SOCIAL SECURITY

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This pamphlet is intended for the use of extension workers in advising farm families. It discusses available choices and possible adjustments which American farm families may make to the old-age and survivors insurance (OASI) program of social security.

Details of the OASI program can be obtained from district representatives of the Social Security Administration and from the free booklets listed on page 12. For information on your social security taxes consult the Internal Revenue Service.

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THE FARMER AND SOCIAL SECURITY

The old-age and survivors insurance program (social security) is designed to provide benefits which will replace, in part, income from work when that income is cut off by retirement or death. Rental income, whether from a farm (in the form of cash or as a share of the crop) or from some other type of investment, generally represents a return on investment rather than income from work. Since income from investments usually does not stop when a person retires or dies, persons who depend on this type of income are not exposed to the kind of economic insecurity which the program was designed to relieve. This, apparently, was the primary reason why the Congress concluded that, as a general rule, rental income should not be creditable under the old-age and survivors insurance program.

Many farmers who are now receiving rental income from their farms are considering possible adjustments in their farming operations so they can participate in the benefits under the OASI program. In evaluating these alternatives, farmers will need to know (1) what constitutes self-employment income covered by the social security law and how it differs from rental income and (2) the significance of various tenure and operating arrangements as they affect social security coverage. A knowledge of the benefits, costs, and coverage requirements of OASI will also be helpful in planning farm adjustments. This bulletin will discuss the principal methods and problems faced by farmers adjusting to the requirements of the social security program.

A SUMMARY OF THE PROGRAM

Most farm people are now included under the old-age and survivors insurance program. Beginning with 1955, self-employed farmers with annual net earnings of $400 or more and farm workers who are paid at least $100 in cash wages by a farmer in a year are included in the program and their earnings count toward social security credits which will entitle them to benefits of the program. Regularly employed farm workers came under the program in 1951, but as of January 1, 1955, regularity of employment is no longer required. This social security program is the same, with some modifications, as that made available to industrial workers 20 years ago by the original Social Security Act.

Under the law social security taxes are paid as long as the farmer or worker earns taxable income. Benefits are paid to eligible participants at age 65 or later or to the survivors of the insured. In order to qualify for this protection, a worker must be covered by the program for a specified period of time. The amount of work required to be fully insured is roughly half the time after 1950 and before the attainment of age 65; it may be as little as $1\frac{1}{2}$ years or it may be as much as 10 years, depending on the age of the worker.

The social security tax money goes into a trust fund from which all benefit payments are made. The tax is 3 percent of earnings from self-employment up to $4,200 a year but will increase up to 6 percent by 1975. Wages up to $4,200 a year are taxed 2 percent from the worker and 2 percent from the employer now, with increases up to 4 percent from each by 1975. The amount of the wages or self-employment earnings of each individual is credited to his account under his personal social security number.

Examples of some possible family benefit payments from OASI may be seen in the following table:

Monthly old-age payments[1]			Monthly survivors' payments[2]		
Average yearly earnings	Worker's benefit	Worker and wife	Widow, child, or parent	Widow and one child	Widow and two children
$400	$30.00	$45.00	$30.00	$45.00	$50.20
900	41.30	62.00	31.00	62.00	62.00
1,200	55.00	82.50	41.30	82.60	82.60
1,800	68.50	102.80	51.40	102.80	120.00
3,000	88.50	132.80	66.40	132.80	177.20
4,200	108.50	162.80	81.40	162.80	200.00

[1] Retirement benefits are computed on the basis of average monthly earnings from work covered by the law. They are 55 percent of the first $110, plus 20 percent of the next $240. The wife or dependent husband, age 65 or over, of a retired person receives a benefit of one-half of the worker's amount. The maximum payment to a family on one account is $200 a month.

[2] Survivors' benefits are also based upon the insured worker's average monthly income in the same way as the retirement benefit. A widow or dependent widower age 65 or over, or a widow at any age with children under 18 in her care, receives three-fourths of the deceased worker's retirement benefit. In addition, a widow caring for children under 18 receives on their behalf one-half of the retirement amount for each child plus one-fourth divided among all the children. If the total payment, however, would exceed 80 percent of the average monthly earnings, or $200, the total benefits are reduced to the lesser of these two amounts, but in no case will they be reduced below $1\frac{1}{2}$ times the retirement benefit, or $50, whichever is higher. If there are no other survivors who could become entitled to benefits, each aged dependent parent receives three-fourths as much as the deceased worker's benefit.

Upon the death of an insured person, a lump-sum payment, in addition to any monthly payments, may be made to the widow or widower if they were living together. If there is no eligible widow or widower, then the person or persons who paid the burial expenses can be repaid up to the amount of the lump sum. The lump sum may be as much as three times the insured person's old-age insurance amount, but not more than $255.

The benefits payable are reduced by 1 month's payment for each $80 or fraction of $80 in excess of $1,200 of annual earned income, if the beneficiary works in all months of the year, but are not affected by income from farm rentals or other investment income. However, regardless of the total amount of earnings in a year, benefits are payable for any month in which the beneficiary neither earns over $80 in wages nor renders substantial services in self-employment. After age 72 there is no limit on earnings. A widow receives no benefit if she remarries or if she is under 65 and has no children under 18 years of age. For a full description of the program see the booklets published by the Social Security Administration.

THE BENEFITS AND COSTS OF OASI

The system over the long run is intended to be self-supporting. In other words, the benefits and administrative costs of the program will be financed by the contribution income from workers and employers plus the interest earnings on the accumulated trust fund. As in any kind of insurance, some people may suffer an immediate loss and get back much more than they have paid in premiums; others may pay for many years without suffering any insured loss. Nevertheless, their families will have had insurance protection through these years. The value of insurance lies in the sharing of risks. No one can be sure what the future holds for him. On the whole, the self-employed pay less for their benefits than the combined contribution income received in respect to employees (since the former pay only 75 percent of what is paid in for an employee with the same earnings). The young farmer with children will get survivor protection that childless couples and single persons will not. In general, older farmers will be most interested in retirement benefits, whereas younger farmers will be more concerned with the survivor insurance features of the program.

If the individual has, or expects to have, the necessary qualifying conditions, he may find that the OASI benefits can substantially supplement his annuities and life insurance. He can calculate his expected tax costs against expected benefits under OASI. On the basis of these costs and benefits, he can determine how different arrangements of his farming and household procedures and setup can affect the situation under OASI.

Any analyses of the costs of OASI benefits for different individual cases are subject to many restrictions. There is no "typical" case. Some cases (particularly older workers) show that far more benefit protection is provided than the small amount of taxes payable. Even examples at the younger ages will show somewhat the same picture depending upon the assumptions made. This is especially the case when the self-employed are considered, because the system receives 25 percent less contribution income from them than it would in respect to an employee at the same earnings level. Just as important, however, are such other factors as assuming that in all cases the individual is married and has children, assuming that the individual retires immediately at age 65 when he is first eligible, assuming that the wife does not earn a benefit in her own right (so that she is not eligible for the wife's or widow's full benefit), assuming that the widow does not remarry, neglecting to consider that, over the long range, all individuals will be potentially covered from age 21 on rather than only during their older years.

In summary, the following generalizations can be made about the program:

1. The higher a person's earnings are (up to $4,200 a year), the more he will pay in social security taxes each year, and the higher his retirement benefit will be.
2. The person who earns twice as much gets a higher benefit, but may not get twice as much. The one who has the lower income gets a somewhat higher percentage return.
3. Since dependents and survivors also get payments, a large family gets a larger payment than a small one even if the two workers had the same average earnings.

4. Self-employed people pay less for their benefits than the combined employee-employer tax (since self-employed people pay only 75 percent of what is paid in for an employee with the same earnings).

Enlarging Operations of Self-Employed Farmers

The owner or tenant who is already a self-employed farmer may wish to enlarge the amount of his earnings under OASI by expanding his farming operations. Renting additional land or buying it may enable him to get a larger income. It may be that revised rental arrangements would produce favorable results or changes in farming enterprises might be the way to increase annual returns. He could do custom or contract work for others, and in that way he could do more business.

Any change in operation calls for a study of the costs as well as the expected returns. Because each farmer operates under special conditions, his own appraisal of the advantages of expanding the business is essential to his welfare. Not every farmer can increase his income by enlarging his operations, and therefore changes in tenure or operating practices should not be undertaken solely to increase coverage under OASI.

From Landlord to Operator

A landowner may qualify as a self-employed farmer by taking over the farming operation himself. This may be on a whole farm, a part of a farm, or a single farming enterprise. He may work it alone, or he may have hired help or any of the other types of operation where he retains control of the management decision. He need not live on the farm.

This development would be a change from landlord to operator if it resulted in termination of a rental or cropper arrangement. In such a change, the landowner assumes the entire responsibility for management, liability as employer, and all risks of production. He may need to make additional investments in machinery and livestock. His ability to do the work or even to take time from other work should also be considered. Some of these responsibilities may be transferred to a contractor, or they may be shared with a partner.

DOES SOCIAL SECURITY CALL FOR CHANGES IN FARMING PLANS?

Farming adjustments made for the purpose of obtaining coverage under OASI, or for increasing the amount of income covered, need to be adapted to each situation as each farmer considers his own problem. He may choose to earn coverage alone or as a partner. He may operate a whole farm, a part of the farm, a single enterprise or farming operation, or a combination of enterprises. At the same time, he may be a landlord on other land, an employee in other work, an independent contractor, or he may be engaged in other business.

Before changes are made in the land-tenure or operating arrangements it is well to consider the problems that may arise as well as the costs and benefits that may be expected. The age and

ability of the owner may influence his choice of operation. He will consider the difficulty of getting hired help, of financing purchases of equipment or livestock and other management problems, and also the matter of getting out of farming when he wishes to retire.

The landowner who changes to an operator status assumes much more responsibility for crop and livestock practices and greater risk as to net returns from the farm. There may be increased liability for injuries of employees or third persons. If the change is to a partnership, these burdens are shared with the partner, but responsibility for the partner's acts in connection with the business is assumed.

The farming adjustments to be described here are the land-tenure arrangements that may lead to effective participation in the OASI program.

To the extent that the landlord takes over the operation and management of the farming enterprise, the tenant is displaced. If the tenant is to utilize his labor, management, and equipment he will have to employ his resources elsewhere, or some change in the tenure arrangement will be necessary to accommodate both parties.

It may be that the landowner will hire the present tenant to work the farm for a specified salary, or he may contract with him to do part of the work. Under such arrangements both parties would be under social security.

Under present legislation the share of a crop which the share farmer pays as rent is not self-employment income to the owner. Material participation by landowners in farm operations is now being considered by Congress as a basis for qualifying landowners for the social security program in the future. This would simplify the matter of coverage for landowners but would make qualification for payments at 65 more difficult, because the retirement test would be applied to these earnings.

Working on the Farm

It is a simple adjustment for some landowners to resume operation of their farms if they still have the equipment and if they can do the work themselves. For others it may be desirable to assume a smaller operation which they can handle alone and still qualify for OASI. This can be done by developing one enterprise, such as livestock feeding or other appropriate farm work.

If the farm were rented on crop shares, the owner could use the pasture and feed lot for the cattle and then feed his share of the hay and grain. His receipt from the sale of cattle less the cost of cattle purchased, cost of feed including appraised value of crop share used, and other expenses would be his income from farming. If he did most of the work himself, his income from a relatively small operation could meet the minimum required under the program.

Operating With Hired Help or Manager

A farmer who hires someone to do the work becomes an employer and is self-employed. The wages to be paid become an expense, and this may need to be considered if the income is to be adequate. On a large farm a hired manager may be in charge of

operations, but he is responsible to the self-employed owner. The employer-employee relationship implies complete responsibility of the employer for success of the business, and management decisions rest with him. There is also responsibility for acts of the employee while he is engaged in farming operations and for injuries to third persons. The ability of the owner to supervise employees may be an important factor in developing a successful farming operation based on hired help.

Farm Contracting as a Tenure Change

If the landowner assumes personal management of his farming operation, he takes on many risks and responsibilities as well as the farmwork. By contracting to have the work done by a self-employed farm contractor or custom operator he can overcome a lack of machinery or technical skill or even his own inability to do the heavy work. This also transfers employee liability. Even though the operation may be done by the contractor, the owner bears more of the risk of price and production fluctuation than he did as landlord. This is so because in most of the arrangements the landlord would have to assume responsibility for the cost of materials used in the production of the crop as well as guaranteeing the contractor a fixed minimum price. A farmer can make the same arrangement with his former tenant as with any other self-employed farm contractor to perform the various operations singly or for the entire season. In these situations, both the landowner and the contractor are self-employed and their income is subject to the self-employment tax.

While payment in kind for farmwork is not regarded as wages under old-age and survivors insurance, a self-employed contractor can count farm products received as income, and he could contract to perform the operations in growing the crop for a specified sum or even for a share of the crop with a guaranteed minimum, thus making it outside the ordinary share-crop arrangement.

In considering such changes, it is important to recognize the relationship of the parties to the contract as follows:

1. A landowner is self-employed as a farm operator if he agrees to pay the contract price for specified work on his crop. He supervises performance under the contract.
2. A contractor is self-employed if he agrees to perform a specific job or seasonal farming operation for a contract price. He supervises and controls the workers.

If the farmer retains control and supervision of the workers, then it is not a contract for specific work but rather an employer-employee relationship. If the agreement is to produce a crop for a share of the crop, and the amount each is to get is dependent upon the quantity produced, then it is a share-arrangement deal, in which case the share to the owner is rent for the land.

If the landowner is relieved of the responsibility of direct supervision and liability for injury of the contractor, the contractor's employee, or a third person, the returns, costs, and risks may be adjusted so as to leave the landowner and operator in much the same position as before the change.

Partnership or Joint Venture

If the change is to a partnership, both parties will report their share of income as self-employed persons. In the livestock-share

arrangements now used in many areas, about the only change needed is the substitution of a partnership or joint-venture agreement for the share lease. In a partnership most of the operating costs are borne by the partnership rather than the individuals, and the returns to the parties are their distributive shares of the net gains or losses to the partnership. Contributions by each party would be made according to their agreement.

A primary consideration of both owner and operator will be an appraisal of the additional business liabilities incurred by their becoming partners. As a partnership agreement is a contract, the partners have freedom to determine how the business shall be run. They can agree to make different types of contributions to the enterprise, to give one partner the final decision on management, or to place certain limits on the powers of a partner to act for the firm. However, when two or more people are engaged in a partnership, questions of credit, honesty, and other risks must be considered. For example, a creditor may proceed against either partner for obligations of the partnership. Greater managerial effort and more financial support may also be needed for successful operation than under the usual crop-share lease.

To reduce certain liabilities that might occur in the partnership it is possible to--

1. Form a limited liability partnership in which the limited partner would be responsible only up to a certain amount or for certain types of risk. There must be at least one general partner who has unlimited liability. However, a limited partner usually surrenders the right to make management decisions. For coverage purposes, a limited partnership for the conduct of a farm enterprise must be permitted under the law of the State where the partnership is formed, and the statutory requirements must be strictly adhered to.
2. Insure against certain risks, such as liability for accidents.
3. Cover business risks of dishonesty by a bond.

The change to a partnership, to qualify for social security participation, must be real. Actual operation must confirm the intentions expressed in the agreement. It is advisable to put the agreement in writing. In a farm partnership or joint venture the parties agree to--

1. Do business as partners or together.
2. Contribute capital or services or both to the farming operation.
3. Share profits and losses from the farming operation.
4. Conduct operations in the name of the business.
5. Be individually and jointly responsible for debts and liabilities arising from the business.

Usual indications of a partnership are that the members hold themselves out as partners by using a partnership name in their dealings with others, have joint accounts, participate in decisions regarding farming operations, pay operating costs out of receipts, share in profits or losses, file partnership Form 1065 for income-tax report, and have a written agreement as evidence of their intentions. A partnership, however, does not necessarily require that the landowner do actual farmwork. Legal assistance may be needed in drafting the agreement. In determining whether a particular situation is a partnership for social security purposes, the Federal income tax law governs.

The partnership may be a logical father-son arrangement which would provide coverage for both and would be flexible so as to change with the years. Many farmers have used such plans. It is possible to be partners for only a part of the farm, the livestock for example, and to operate as landlord-tenant on the rest of the farm.

Father and Son Farming Arrangements

For both father and son to qualify for participation in the OASI program they may need to reach a definite operating agreement other than a rental arrangement.

1. In a regular legal partnership, each can qualify if his share of the net income is at least $400.
2. Each may operate a part of the farm or certain enterprises and qualify if he nets at least $400 or has a gross farm income of $800 or more.
3. Both the father as operator and the son over 21 as employee can qualify if the father's net income and the son's cash wages are sufficient. A son under 21 cannot qualify as an employee of his father. A father cannot qualify for coverage as an employee of his son at any age.
4. Members of 4-H Clubs, Future Farmers, and the like, usually have separate enterprises and must report, regardless of age, if they have $400 net earnings from their projects.

Husband and Wife Partnerships in Farming

Under OASI, husband and wife may both be eligible for benefits on the basis of earnings of either or separately. Reference to the table of benefits will show that there is an advantage in a joint report of earnings unless there is a total of about $5,160 a year. If husband and wife operate separate enterprises they report separately, but generally an adjustment to establish separate operations will not yield larger benefits until the $4,200 maximum is exceeded by about $960. The $162.80 joint benefit is almost twice as much as the separate benefits of $81.50 each would receive if they had equal annual earnings of $2,580 a year.

Economic Consequences of Tenure Changes to Landlords and Tenants

Effect on the Landlord

In any tenure change a landlord may contemplate, his first consideration will be the relative costs (taxes paid) and benefits (insurance or retirement) of the program to him. Beyond these considerations, however, are the other effects of a reorganization on his income.

By changing to a partnership from a leasing arrangement, the landowner may incur additional liability for injuries to third persons and for business debts of the other partner. The landowner may, by division of net rather than gross return, assume greater risks of production by changing from a lease to partnership. Although there is nothing inherent in this change that requires a change in contribution or division of return, such changes could come about by the way in which the new contract was drawn.

In becoming an employer a landlord incurs additional responsibilities of management and additional liabilities. As an employer, he is also required to pay the same amount of social security taxes as the employee pays. The landowner-employer perhaps would have to make additional investments, and the return from the investment in the farm would need to be compared with the return invested elsewhere. The landowner as an employer would assume all the production and price risks.

If the landlord wishes to acquire self-employed status by personal operation he may need additional machinery and operating capital. If he is in another occupation, the time he loses by performing the farmwork will represent a cost to the farming operation. As one who assumes all the responsibility for production, the landowner also assumes all the risks of production and price variation.

The landowner may, however, contract with the former tenant or someone else (or both) to perform one or more of the operations. This alternative leaves both landowner and contractor in self-employed status. The uncertainty of price and production variation still rests upon the landowner, but his liability with respect to business activities and injuries by the farm operator to himself or other parties is considerably less than that of an employer.

Effect on the Tenant

A change from a tenancy arrangement to a coverable form of tenure is essentially for the benefit of the landlord. The tenant of a share or cash lease is covered in OASI as a self-employed operator. To this extent the landlord may have to make some special concessions to the tenant in order to get the change made and thus obtain coverage. Evaluation of the relative gain and losses from a tenure change should include the effect of the extent of coverage of both parties.

The level of OASI coverage of the tenant, as well as of the landlord, may be affected by a change in tenure. One factor a tenant must consider in a tenure change, therefore, will be the change in his insurance and retirement benefits and his OASI taxes.

The change to partnership from a lease would involve the assumption of certain liabilities for the landowner's acts as a partner.

The change of a tenant to an employee would create difficult problems of the use of the tenant's machinery. The assumption of managerial responsibility by the landowner as an employer would displace the tenant's management.

If the landlord displaces the tenant, the loss to the tenant will be the differential between what he earns in an alternative employment and what he would have earned under the lease arrangement. If the tenant operates as a self-employed contractor there need be little change in his income.

In the development of an alternative tenure arrangement that will provide coverage for both owner and tenant, attention should be given to distribution of product, expenses, and risk. If satisfactory, the present plan can serve as a base for the new one. After the change, each party should be at least as well satisfied as before the adjustment. Usually this is achieved when each party's contribution is proportional to his return. As the tenant is already under

OASI it may be that the owner would give very favorable terms in order to effect a change in tenure which would enable him to qualify under the OASI program.

Pending Social Security Legislation as Related to Farm Owners

Many landowners receiving share income may find it possible to qualify for social security if proposed legislation becomes law. Under the present law it has been ruled that crop-share income is rental from real estate if derived by the landowner from an arrangement under which another person undertakes to produce the crop or livestock for a share of the crop or livestock the amount of which depends on the total produced. Such rental income is excluded from social security coverage.

A bill (HR 7225) passed by the House and now before the Senate would qualify income from crop and livestock shares for social security coverage if the landowner participated to a material degree in the management decisions or physical work of crop or livestock production. The House committee report indicates that "material participation" must be more than "the mere furnishing of tools, equipment, supplies and animals, or the mere selection of crops or livestock to be produced." The bill also includes other social security amendments which are under consideration in the Senate. It is expected that this bill will have early consideration in 1956.

The passage of this bill would make it possible for landowners who contribute materially in production to have their crop-share income taxable for social security and thus gain coverage. Of course, the landowner, after he retires, may have to show that he participates to a much lesser degree in production in order to receive his benefits.

It appears that the suggested tenure adjustments described in this bulletin would enable landowners to qualify for social security. If the proposed legislation is passed, however, some landowners will be able to qualify within their present tenure arrangements.

FARM FAMILY ADJUSTMENTS TO OASI

Participation in the OASI program will involve an increase in taxes. This may call for adjustments in a tight budget. Where will the money come from? Each family's needs, objectives, and commitments will influence its choice. Will it come out of savings; out of recreation or education funds; or investment, improvement, or operating capital?

OASI protection for the young family may mean that less stress need be placed on accumulation of savings. For the older couple it may mean that they will have their own retirement income and will not need to be dependent on their children. They may be able to retire earlier or to use the OASI payments to supplement their rental income, or perhaps they can do both.

In any event, the costs and benefits of the social security program will be taken into consideration in reshaping the plans of many farm families.

This protection may serve to lessen the pressure to pay for the farm at an early date and make for smaller annual payments. It may improve the farmer's credit rating so he can get a larger loan if

needed for improvements or other expenses. It may encourage expansion of the farming business to increase returns to the family.

Most families want an adequate and satisfying diet that will promote health, vigor, and well-being. Diet can be an important earning factor if properly regulated. Essential labor-saving equipment which will pay for itself by conserving time, health, and energy is high on the list of family priorities. So is health and accident insurance. It will be important to consider how social security taxes will affect the outlay for these items.

Some farmers near retirement may choose to sell more cash crops or livestock in order to qualify for higher retirement payments. They may be tempted to disregard soil conservation and deplete their farms. Or they may find other work to increase their total income during the years they earn their OASI credits. There are many things to consider.

OASI protection covers the young family and the retired people. This leaves the middle years as a personal responsibility. After age 65 a widow would get retirement benefits, but from the time the youngest child is 18 until the widow is 65 she may need employment or investment income. This situation might leave a woman without income protection for 10 to 20 years before she reached age 65. Many men may want to purchase ordinary life or term insurance to safeguard their wives from the possibility of this unprotected period. Some women, however, feel that they would prefer to forego payments now for insurance for a situation that may not develop. And even though it did come they feel that they could work and support themselves after their children were gone and until they reached age 65 when their retirement payment would start if the husband was fully insured. They realize also that many widows in this age bracket do remarry and establish new homes.

The assurance of a modest income in old age may provide the basis for a higher standard of living during the working years. At the same time a man's wife and children are assured some protection in case he should die while his family is young and dependent upon him.

HELPFUL PUBLICATIONS

Specific details of the OASI program for self-employed farmers and for farm employees are available from your local social security representative. The following booklets available for general distribution give a good description of the program.

IRS-51	Circular A, Agricultural Employer's Social Security Tax Guide, revised January 1956.
IRS-225	Farmers' Tax Guide--Income and Self-Employment Tax, November 1955.
OASI-25	Social Security for Farm Families, June 1955.
OASI-25-a	How Social Security Covers Farmers, August 1955.
OASI-25-b	Social Security for Farm People, November 1955.
OASI-25-c	Farm People Are Asking: Will I Get Social Security Credits? November 1955.
OASI-25-d	How Does Social Security Affect Farm Families? November 1955.
OASI-35	Your Social Security, September 1955.

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